

## Bryan Tyson

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**From:** Cross, David D. <DCross@mofo.com>  
**Sent:** Wednesday, July 3, 2019 1:05 PM  
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**Cc:** 'Halsey G. Knapp'; 'Adam M. Sparks'; Manoso, Robert W.; Chapple, Catherine L.; Bentrrott, Jane P.; Miriyala, Arvind S.; Brimer, Marcie; Ali, Reema Shocair; Tepfer, Cameron A.  
**Subject:** GEMS  
**Attachments:** image001.jpg; image002.jpg

Bryan -

As the Court noted, we're currently seeking only the GEMS databases. We'll separately address forensic images and source code.

We propose the following as a compromise, even though we believe you've failed to meet your burden to establish that the GEMS databases are confidential as you claim and given they certainly are not as sensitive as forensic images of the GEMS servers or GEMS source code, which we've agreed to discuss separately:

1. The GEMS databases that the Plaintiffs will be reviewing consist of the 159 GEMS databases sent by the SOS to each county for the November 2018 election and the 159 GEMS databases that the counties returned to the SOS following the election.
2. We would adhere to the security protocol the California SOS authorized for a far more sensitive review of source code. That protocol can be found here: <https://votingsystems.cdn.sos.ca.gov/oversight/ttbr/source-code-security-plan.pdf>. There would be three facilities that would adhere to this protocol: one at the University of MI, one at MoFo in DC, and one in Atlanta at Bruce's office. This assumes Dr. Halderman and Mr. Bernhard can share a facility and work in parallel in MI and that the Lawyers Committee can share the MoFo facility in DC, which we're confirming.
3. Given the massive amount of data to analyze and compare to hundreds of manual records, Plaintiffs will require the assistance of data analysts and clerical assistance ("Analysts") for feasibility of review. Attorneys and experts will segment groups of data in the GEMS databases to be analyzed (such as cast vote records) and identify them to be copied to excel or other appropriate standard files for analysis by Analysts—with the plan to extract them from the GEMS databases. This would restrict review of the purported "structure" of the databases to experts and attorneys. Plaintiffs will identify for Defendants what they plan to extract. Defendants will have 24 hours to object. Any objection will be submitted to the Court for resolution within 24 hours of the objection if the parties can't resolve it.
  - Each plaintiff group may have up to four analysts working under the direction of the attorneys and experts, but none will have access to the GEMS databases themselves; they'll access only certain data from the GEMS databases to analyze and compare to paper and other electronic records.
  - Analysts will have access to excel, and other analytical tools, for the extracted data they have access to.

--Plaintiffs, including experts, will not share the database or any data in them with anyone beyond those authorized under this protocol: ie, experts, counsel, and Analysts.

— Plaintiffs may challenge confidentiality of some or all data in the databases and the databases themselves upon receipt and review; any such confidentiality challenge will be submitted to court within 48 hours if the parties can't resolve it.

Thanks.

DC

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